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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA3  
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United States of America, ) File No. 11-CR-386  
5 Plaintiff, ) (MJD)  
6 vs. )  
7 Okwuchukwu Emmanuel Jidoefor, ) Minneapolis, Minnesota  
8 Defendant. ) September 4, 2012  
 ) 2:15 p.m.  
-----9  
10 BEFORE THE HONORABLE MICHAEL J. DAVIS  
UNITED STATES DISTRICT COURT JUDGE11  
**(SENTENCING HEARING)**12  
APPEARANCES13 For the Plaintiff: U.S. Attorney's Office  
14 ANN M. ANAYA, AUSA  
600 U.S. Courthouse  
15 300 South Fourth Street  
Minneapolis, Minnesota 55415  
  
16 For the Defendant: CAROLINE DURHAM, ESQ.  
17 Suite 7243  
1072 West Peachtree Street  
18 Atlanta, Georgia 30357  
  
19 Court Reporter: LORI A. SIMPSON, RMR-CRR  
20 Suite 146  
316 North Robert Street  
21 St. Paul, Minnesota 55101  
22  
23  
2425 Proceedings reported by court reporter; transcript  
produced by computer.

## PROCEEDINGS

**IN OPEN COURT**

(Defendant present)

THE COURT: Let's call this matter, please.

COURTROOM DEPUTY: The United States of

America vs. Okwuchukwu Emmanuel Jidoefor, Criminal Case  
Number 11-CR-386.

Counsel, please state your appearances for the record.

10 MS. ANAYA: Good afternoon, Your Honor. Ann Anaya  
11 on behalf of the United States.

THE COURT: Good afternoon.

MS. DURHAM: Good afternoon, Your Honor. Caroline Durham on behalf of Mr. Jidoefer, who is at counsel table.

THE COURT: Please step forward. Counsel, have you had an opportunity to review the Presentence Investigation Report that has been prepared for the Court?

MS. ANAYA: The government has, Your Honor. We have no objections.

MS. DURHAM: Your Honor, the defense has and I noted the objections in our position paper to the calculations. And I would simply stand on the pleadings that I have provided, Judge.

THE COURT: The Court has reviewed the Presentence Investigation Report and will adopt the Presentence

1 | Investigation Report as its own.

2 The total offense level is 24, Criminal History  
3 Category of I, imprisonment range of 51 to -- I'm sorry.

4 The Court will adopt the plea agreement that the government  
5 and the defendant agreed to as the potential guideline range  
6 of 12 to 18 months with an offense level of 13 and a  
7 Criminal History Category of I.

13                   In that letter the government, in great detail,  
14                   outlines the substantial assistance. I think defense  
15                   correctly describes it as extraordinary substantial  
16                   assistance, and I would agree with that. And so the Court  
17                   will grant the government's motion for downward departure.

## 18 Anything for the defense?

19 MS. DURHAM: Yes, Your Honor. If I may approach,  
20 I have provided counsel and the Probation Office, it's  
21 Defendant's Exhibit 1. I just wanted the Court to see the  
22 storefront that Mr. Jidoefor has opened that I describe in  
23 the position paper.

1                   that neighborhood, a neighborhood that has struggled for  
2                   quite some time and particularly in the last year. So too  
3                   has Mr. Jidoefor and his business struggled, but he hasn't  
4                   given up, just as he hasn't given up with the work that he  
5                   has done with the government.

6                   The intertwining of the value of the assistance  
7                   and the 3553(a) factors, it's clear that there is so much  
8                   more gained in this case as he stands before you than we  
9                   might see from substantial assistance. In many respects his  
10                  assistance was selfless because he knows he's got to make  
11                  right the wrongs that he's done. The support that he has  
12                  from the task force is visible even this afternoon, Judge.

13                  And I would ask the Court to find that the  
14                  combination of the factors presented as to who Mr. Jidoefor  
15                  is presented in the position paper and the PSR as applied to  
16                  3553(a) and then coated with the assistance he's given is  
17                  sufficient to find that a noncustodial sentence is  
18                  appropriate.

19                  Thank you.

20                  THE COURT: Sir, step forward. This is your  
21                  opportunity to speak to me. You have an absolute right to  
22                  talk to me. You have an absolute right to tell me anything  
23                  that you want to tell me about yourself, about this offense,  
24                  or anything else that you think I should know before I  
25                  sentence you. Please speak to me.

1 THE DEFENDANT: Your Honor, I was wrong, but I've  
2 been doing right a long time, for almost two years since I  
3 met the government, and I've been very truthful to know who  
4 I am, but I find out who I am right now. I am thankful for  
5 you to forgive me for the wrong that I did, but I am always  
6 going to stand up doing right.

7 THE COURT: All right. Thank you.

## 8 Anything for the Government?

9 MS. ANAYA: Your Honor, we would concur with the  
10 Court's characterization of the cooperation as extraordinary  
11 in this case. We do not object to the sentence requested by  
12 defense. And I have to say that over the course of months  
13 getting to know Mr. Jidoefor, that what he just told you,  
14 that he is trying to do right and do good, is exactly what  
15 I've seen in every interaction with him.

16 I can't tell the Court how difficult from my  
17 perspective it must have been for him to take the stand in  
18 this case, both an act of courage and also a testament to  
19 his commitment to do right, courage because of his  
20 predicament he was in and knowing the danger that he faced  
21 in providing information about this conspiracy, but also  
22 difficult because he knew he had to speak in public and he  
23 had to speak in front of the defendants, and that's  
24 difficult for him. And he did it without hesitating. He  
25 did it as a display of great commitment to doing right, and

1 I think it shows his strength.

2 He has developed over the course of months into a  
3 person that is committed to, in addition to doing right,  
4 turning his life around and opening up businesses and trying  
5 to use the skills that he has as a people person to actually  
6 provide services in our neighborhoods here in Minneapolis.

7 So, Your Honor, with that, I would ask the Court  
8 to consider the 3553 factors mentioned in the defense  
9 papers.

10 THE COURT: All right. One question I have for  
11 the government. How close is he to getting his visa?

12 MS. ANAYA: Your Honor, the S visa process is one  
13 that has never been, at least to my knowledge, attempted  
14 before. So it's a new process for me. It is complicated by  
15 the fact that he's adding his mother. So I guess that's a  
16 long way of telling the Court it's very difficult for me to  
17 even guess.

18 THE COURT: All right.

19 MS. ANAYA: In the meantime, he will be here  
20 legally based on the temporary visa.

21 THE COURT: All right. On February 10, 2012 the  
22 defendant entered a plea of guilty as charged in a one-count  
23 Information, charging him with bank fraud, in violation of  
24 Title 18, United States Code, Sections 1344 and 2, a Class B  
25 felony. It is considered and adjudged that the defendant is

1 guilty of that offense. The Court will sentence as follows:

2 The Court has read the Presentence Investigation  
3 Report, the submissions of counsel. The Court has read the  
4 submission of the government dealing with the 5K1.1 motion  
5 for departure and has granted that motion because this  
6 defendant has given extraordinary cooperation to the  
7 government and should be rewarded for his truthfulness and  
8 his willing to put his life on the line for the government.  
9 Therefore, the Court will sentence as follows:

10 The Court is also taking into effect the factors  
11 under Title 18, 3553(a), and all the United States Supreme  
12 Court decisions and Eighth Circuit Court of Appeals  
13 sentencing decisions that are pertinent to this case and  
14 will sentence as follows:

15 Before I -- I should finish up with the guideline  
16 range. Again, it's total offense level of 13, criminal  
17 history of I, custody range of 12 to 18 months, supervised  
18 release two to three years, fine range of 3,000 to 30,000  
19 dollars, and a special assessment of \$100.

20 The sentence is as follows:

21 The defendant is hereby sentenced to the care and  
22 custody of the Bureau of Prisons for time served.

23 There is no fine.

24 And mandatory restitution is -- will be required,  
25 but the amount owed to specified victims remains pending.

1 Payments of not less than \$25 per month are to be made over  
2 a period of five years, commencing 30 days from release from  
3 confinement. Payments are to be made payable to the Clerk,  
4 United States District Court, for disbursement to the  
5 victims. The interest requirement is waived.

6 The defendant is sentenced to a term of five years  
7 supervised release. The following mandatory conditions are  
8 applicable:

9 The defendant must report to the United States  
10 Probation and Pretrial Services immediately after my  
11 sentencing.

12 Next, the defendant shall not commit any crimes:  
13 federal, state, or local.

14 Next, the defendant shall not illegally possess a  
15 controlled substance. The defendant shall refrain from any  
16 unlawful use of a controlled substance. The defendant shall  
17 submit to one drug test within 15 days of release from  
18 imprisonment and at least two periodic drug tests thereafter  
19 as determined by the Court.

20 Next, the defendant shall not possess a firearm,  
21 ammunition, destructive device, or any other dangerous  
22 weapon.

23 Next, the defendant shall cooperate in the  
24 collection of DNA as directed by the probation officer.

25 Next, the defendant shall pay restitution in

1 accordance with the Schedule of Payments sheet of the  
2 judgment.

3 The defendant shall abide by the standard  
4 conditions of supervised release that have been adopted by  
5 this Court, including the following special conditions:

6 One, the defendant shall participate in a program  
7 for substance abuse as approved by the probation officer.  
8 That program may include testing and inpatient or outpatient  
9 treatment, counseling, or support group. Further, the  
10 defendant shall contribute to the costs of such treatment as  
11 determined by the Probation Office Co-Payment Program, not  
12 to exceed the total cost of treatment.

13 Next, the defendant shall provide the probation  
14 officer access to any requested financial information,  
15 including credit reports, credit card bills, bank  
16 statements, and telephone bills.

17 Next, the defendant shall be prohibited from  
18 incurring new credit charges or opening additional lines of  
19 credit without approval of the probation officer.

20 Next, if not employed at a regular lawful  
21 occupation as deemed appropriate by the probation officer,  
22 the defendant may be required to perform up to 20 hours of  
23 community service per week until employed. The defendant  
24 may also participate in training, counseling, daily job  
25 search, or other employment-related activities as directed

1 by the probation officer.

2 Next, the defendant shall participate in  
3 educational programming as approved by the probation officer  
4 to obtain a high school diploma or general equivalency  
5 diploma or GED.

6 Next, the defendant shall comply with all  
7 immigration rules and regulations and if deported from this  
8 country, either voluntarily or involuntarily, not re-enter  
9 the United States illegally. Upon any re-entry to the  
10 United States during the period of court-ordered  
11 supervision, the defendant shall report to the nearest  
12 United States Probation and Pretrial Services Office within  
13 72 hours.

14 Finally, there's a \$100 special assessment payable  
15 to the Crime Victims Fund, which is due and payable  
16 immediately.

17 Sir, if you feel the Court's sentence has not been  
18 appropriate or did not follow the law or the Constitution,  
19 you have a right to appeal your sentence to the Eighth  
20 Circuit Court of Appeals, which sits in St. Louis. You have  
21 14 days from today's date to file that appeal. Ms. Durham  
22 will be your attorney on that appeal if you feel the Court  
23 has not followed the law.

24 Anything further for the Government?

25 MS. ANAYA: No, Your Honor.

1 THE COURT: Anything further for the defense?

2 MS. DURHAM: No, Your Honor.

3 THE COURT: Good luck, sir.

4 THE DEFENDANT: Thank you.

5 THE COURT: We will recess until the next hearing.

6 (Court adjourned at 2:30 p.m.)

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10 I, Lori A. Simpson, certify that the foregoing is a  
11 correct transcript from the record of proceedings in the  
12 above-entitled matter.

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Certified by: s/ Lori A. Simpson

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Lori A. Simpson, RMR-CRR

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